

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
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4 300 So. Spring Street, Suite 1702
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6 Attorneys for Complainant
7

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 2009-56

12 **LYNN ESGUERRA BUSANTE TEEHEE**
13 **aka Lynn Esguerra Teehee**
1959 S. Hill Road
Ventura, CA 93003

A C C U S A T I O N

14 **Registered Nurse License No. 622623**

15 Respondent.
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18 Complainant alleges:

19 **PARTIES**

20 1. Ruth Ann Terry, M.P.H, R.N. (Complainant) brings this Accusation solely
21 in her official capacity as the Executive Officer of the Board of Registered Nursing, Department
22 of Consumer Affairs.

23 2. On or about July 28, 2003, the Board of Registered Nursing (Board)
24 issued Registered Nurse License Number 622623 to Lynn Esguerra Busante Teehee
25 (Respondent). The Registered Nurse License was in full force and effect at all times relevant to
26 the charges brought herein and will expire on January 31, 2009, unless renewed.

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1 **JURISDICTION**

2 3. This Accusation is brought before the Board, under the authority of the
3 following laws. All section references are to the Business and Professions Code unless
4 otherwise indicated.

5 **STATUTORY PROVISIONS**

6 4. Section 2750 of the Business and Professions Code (Code) provides that
7 the Board may discipline any licensee, including a licensee holding a temporary or an inactive
8 license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing
9 Practice Act.

10 5. Section 2764 of the Code provides that the expiration of a license shall not
11 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee
12 or to render a decision imposing discipline on the license. Under section 2811, subdivision (b),
13 of the Code, the Board may renew an expired license at any time within eight years after the
14 expiration.

15 6. Section 2761 of the Code states:

16 The board may take disciplinary action against a certified or licensed
17 nurse or deny an application for a certificate or license for any of the following:

18 (a) Unprofessional conduct, which includes, but is not limited to, the
19 following:

20 . . .

21 (4) Denial of licensure, revocation, suspension, restriction, or any other
22 disciplinary action against a health care professional license or certificate by
23 another state or territory of the United States, by any other government agency, or
24 by another California health care professional licensing board. A certified copy
25 of the decision or judgment shall be conclusive evidence of that action.

26 **COST RECOVERY**

27 7. Section 125.3 of the Code provides that the Board may request the
28 administrative law judge to direct a licensee found to have committed a violation or violations
of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
enforcement of the case.

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1 PRAYER

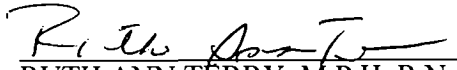
2 WHEREFORE, Complainant requests that a hearing be held on the matters herein
3 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

4 1. Revoking or suspending Registered Nurse License Number 622623,
5 issued to Lynn Esguerra Busante Teehee;

6 2. Ordering Lynn Esguerra Busante Teehee to pay the Board the reasonable
7 costs of the investigation and enforcement of this case, pursuant to Business and Professions
8 Code section 125.3; and,

9 3. Taking such other and further action as deemed necessary and proper.
10

11 DATED: 9/10/08
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13 
14 RUTH ANN TERRY, M.P.H., R.N.
15 Executive Officer
16 Board of Registered Nursing
17 State of California
18 Complainant

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EXHIBIT A

**BOARD OF VOCATIONAL NURSING
AND PSYCHIATRIC TECHNICIANS**

2535 CAPITOL OAKS DRIVE, SUITE 205
SACRAMENTO, CALIFORNIA 95833-2945
TELEPHONE (916) 263-7800; FAX (916) 263-7855
INTERNET ADDRESS: <http://www.bvnpt.ca.gov>

**CERTIFIED MAIL**

June 19, 2006

Lynn Teehee
702 Tarlow Street
Ventura, CA 93003


Dear Ms. Teehee:

Enclosed is the Decision of the Board of Vocational Nursing and Psychiatric Technicians (Board) in the matter of the Accusation against your vocational nurse license number VN 161594. Your license is **revoked**. The effective date of the decision is **July 19, 2006**.

You have the right to petition the Board for reconsideration of its Decision **prior** to the effective date of the Decision. The petition must be submitted in writing and should clearly establish the rationale for reconsideration. You must ensure that the petition is received by the Board at least one week prior to the effective date of the Decision so that the Board has sufficient time to process the petition. The Board's authority to act in this case will expire on the effective date of the Decision.

You have the right to apply for reinstatement of your license three years from the effective date of the Decision. If you wish to apply for reinstatement at that time, please submit a written request to this office. We will make the necessary arrangements for a reinstatement hearing before the Board at a public meeting.

Sincerely,


Angelina Martin
Program Manager

Enclosures: California Code of Regulations, Title 16, Section 2522 and 2522.5.
California Administrative Procedures Act, Sections 11518, 11519, 11521, and 11522.
Standards for Reinstatement or Reduction of Penalty.
Business and Professions Code, Section 2878.7.

cc: Linda L. Sun, Deputy Attorney General

AM: aw

BEFORE THE
BOARD OF VOCATIONAL NURSING
AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

LYNN ESGUERRA TEEHEE

702 Tarlow Street
Ventura, CA 93003

Vocational Nurse License
Number VN 161594

Respondent.

NO. 6881

**DEFAULT DECISION
AND ORDER**

Lynn Esguerra Teehee ("Respondent") was served with the Accusation No. 6881; Statement to Respondent; Notice of Defense form; copies of Government Code sections 11507.5, 11507.6 and 11507.7; and Request for Discovery by both first class and certified mail on April 5, 2006, at her address of record, as provided in sections 11503 and 11505 of the Government Code of the State of California.

Respondent failed to file a Notice of Defense within the time specified in Government Code section 11506.

Consequently, Respondent is in default. The Board of Vocational Nursing and Psychiatric Technicians ("Board") has determined that Respondent has waived her rights to a hearing to contest the merits of the Accusation and that the Board will take action on the Accusation without a hearing, pursuant to Government Code section 11520.

The Board makes the following findings of fact:

FINDINGS OF FACT

1. Teresa Bello-Jones, J.D., M.S.N., R.N., made and filed the Accusation solely in her capacity as the Board's Executive Officer.
2. On February 19, 1993, the Board issued Vocational Nurse License Number VN 161594 to Respondent. Said license expired January 31, 2005.
3. Under Business and Professions Code section 2875, the Board may discipline any licensed vocational nurse for any reason provided in Article 3 of the Vocational

1 Nursing Practice Act.

2 4. Under Business and Professions Code section 118(b), the expiration of a
3 license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the
4 period within which the license may be renewed, restored, reissued, or reinstated. Under
5 Business and Professions Code section 2892.1, the Board may renew an expired license at any
6 time within four years after the expiration.

7 5. Under Business and Professions Code section 125.3, the Board may
8 request the administrative law judge to direct a licensee found to have committed a violation or
9 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
10 and enforcement of the case.

11 6. Respondent has subjected her license to discipline under Business and
12 Professions Code sections 2875 and 2878, subdivision (a)(1) of the Code on the grounds of
13 unprofessional conduct as defined in California Code of Regulations, title 16, sections 2519 and
14 2520, in that Respondent committed acts of incompetence and/or gross negligence, as described
15 in Accusation Number 6881, a copy of which is attached as "Exhibit 1" and incorporated by
16 reference.

17 7. Respondent has subjected her license to discipline under Business and
18 Professions Code sections 2875 and 2878(a) of the Code on the grounds of unprofessional
19 conduct as described in "Exhibit 1" attached.

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DETERMINATION OF ISSUES

22 Based on the foregoing Findings of Fact, respondent has subjected her license to
23 discipline under Business and Professions Code sections 2875 and 2878, subdivisions (a) and
24 (a)(1) and California Code of Regulations, title 16, sections 2519 and 2520.

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LOCATION OF RECORD

27 The record on which this Default Decision is based is located at the Sacramento
28 office of the Board of Vocational Nursing and Psychiatric Technicians.

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Vocational Nurse License Number VN 161594 authorizing respondent to act as a vocational nurse is hereby revoked.

Respondent shall not be deprived of making any further showing by way of mitigation; however, such showing must be made directly to the Board of Vocational Nursing and Psychiatric Technicians, 2535, Capitol Oaks Drive, Suite 205, Sacramento, California, 95833, prior to the effective date of this Decision.

Dated and signed this 19TH day of June, 2006.

Sister Marie de Porres Taylor
President

Exhibit 1

Accusation

Board of Vocational Nursing and Psychiatric Technicians Case No. 6881

1 BILL LOCKYER, Attorney General
of the State of California
2 LINDA L. SUN, State Bar No. 207108
Deputy Attorney General
3 California Department of Justice
300 So. Spring Street, Suite 1702
4 Los Angeles, CA 90013
Telephone: (213) 897-6375
5 Facsimile: (213) 897-2804

6 Attorneys for Complainant

7 **BEFORE THE**
8 **BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 6881

11 LYNN ESGUERRA TEEHEE a.k.a.
12 LYNN BUSANTE ESGUERRA a.k.a.
13 LYNN BUSANTE TEEHEE
702 Tarlow Street
Ventura, CA 93003

A C C U S A T I O N

14 Vocational Nurse License No. VN 161594

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

- 19 1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this
20 Accusation solely in her official capacity as the Executive Officer of the Board of Vocational
21 Nursing and Psychiatric Technicians, Department of Consumer Affairs (Board).
22 2. On or about February 19, 1993, the Board issued Vocational Nurse
23 License No. VN 161594 to Lynn Esguerra Teehee, a.k.a. Lynn Busante Esguerra, a.k.a. Lynn
24 Busante Teehee (Respondent). The Vocational Nurse License expired on January 31, 2005, and
25 has not been renewed.

26 **JURISDICTION**

- 27 3. This Accusation is brought before the Board under the authority of the
28 following laws. All section references are to the Business and Professions Code (Code) unless

1 otherwise indicated.

2 STATUTORY PROVISIONS

3 4. Section 118(b) of the Code provides, in pertinent part, that the expiration
4 of a license shall not deprive the Board jurisdiction to proceed with a disciplinary action during
5 the period within which the license may be renewed, restored, reissued or reinstated. Under
6 section 2892.1 of the Code, the Board may renew an expired license at any time within four years
7 after the expiration.

8 5. Section 2875 of the Code provides, in pertinent part, that the Board may
9 discipline the holder of a vocational nurse license for any reason provided in Article 3
10 (commencing with section 2875) of the Vocational Nursing Practice Act.

11 6. Section 2878 of the Code states:

12 "The Board may suspend or revoke a license issued under this chapter [the
13 Vocational Nursing Practice Act (Bus. & Prof. Code, § 2840, et seq.)) for any of the following:

14 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

15 "(1) Incompetence, or gross negligence in carrying out usual nursing functions.

16 7. California Code of Regulations, title 16, section 2519, states:

17 "As set forth in Section 2878 of the Code, gross negligence is deemed
18 unprofessional conduct and is a ground for disciplinary action. As used in Section 2878 'gross
19 negligence' means a substantial departure from the standard of care which, under similar
20 circumstances, would have ordinarily been exercised by a competent licensed vocational nurse,
21 and which has or could have resulted in harm to the consumer. An exercise of so slight a degree
22 of care as to justify the belief that there was a conscious disregard or indifference for the health,
23 safety, or welfare of the consumer shall be considered a substantial departure from the above
24 standard of care."

25 8. California Code of Regulations, title 16, section 2520, states:

26 "As set forth in Section 2878 of the Code, incompetence is deemed unprofessional
27 conduct and is a ground for disciplinary action. As used in Section 2878 'incompetence' means
28 the lack of possession of and the failure to exercise that degree of learning, skill, care and

1 experience ordinarily possessed and exercised by responsible licensed vocational nurses."

2 9. Section 125.3 of the Code provides, in pertinent part, that the Board may
3 request the administrative law judge to direct a licensee found to have committed a violation or
4 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
5 and enforcement of the case.

6 **Patient W. M.**

7 10. On or about April 30, 2001, W. M. (Patient), an 86-year old male, had
8 been fitted with a gastrostomy tube (G-tube) to provide nourishment and fluids. On or about July
9 3, 2001, Respondent, a vocational nurse at La Cumbre Senior Living (facility)¹ in Santa Barbara,
10 California, was assigned to care for the patient. On July 3, 2001, at about 0050 hours, a staff
11 nurse noted that the patient's G-tube had been inadvertently removed. The patient's physician,
12 Dr. Diaz, was notified and he ordered that the patient be taken to the emergency in the morning
13 to have the tube reinserted. On July 3, 2001, at the instructions of the Director of Nursing,
14 Respondent called Dr. Diaz to inform him that the procedure was now being done "in-house" and
15 that the nurses had received training on how to perform the procedure. Dr. Diaz approved that
16 the procedure be done in house and specified to Respondent that a qualified nurse should
17 perform the procedure.

18 11. On July 3, 2001, at about 1215 hours, Respondent reinserted the G-tube.
19 Respondent stated that she "encountered some resistance" during the insertion of the tube.
20 Respondent checked for placement by listening with a stethoscope but failed to obtain gastric
21 contents by aspiration of the tube. At about 1900 hours, Respondent flushed the G-tube with
22 200cc of water per procedure, without assessing the tube for correct placement prior to instilling
23 the water. Respondent then started the enteral feeding through the tube at 80cc per hour.
24 Respondent's notes state that the patient immediately complained of pain when the fluids were
25 introduced. At about 1955 hours, Respondent noted that the patient was in considerable
26 abdominal distress and complaining of severe pain. Respondent aspirated the G-tube but

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28 1. The name of the facility has been changed to Senior Living Concepts.

1 retrieved no residual formula, even though the feeding had been going for almost an hour at 80cc
2 per hour. Respondent called Dr. Diaz and told him that the patient was experiencing some mild
3 discomfort following the flushing and the start of the feeding. Dr. Diaz ordered some Mylanta
4 and a painkiller and to hold the tube feeding until July 4, 2001 at 2000 hours. On July 5, 2001, at
5 about 0645 hours, a registered nurse found the patient in distress. An assessment revealed that
6 the patient was pale, the abdomen was distended and rigid, and lung and cardiac sounds were
7 abnormal. The patient was taken to a hospital where X-rays revealed that the G-tube was outside
8 of the stomach. The patient expired at 1918 hours on July 5, 2001. The death certificate stated
9 that the cause of death was septic shock due to peritonitis, due to percutaneous gastrostomy tube.

10 FIRST CAUSE FOR DISCIPLINE

11 (Incompetence And/or Gross Negligence)

12 12. Respondent is subject to disciplinary action under sections 2875 and 2878,
13 subdivision (a)(1) of the Code on the grounds of unprofessional conduct as defined in California
14 Code of Regulations, title 16, sections 2519 and 2520, in that Respondent committed acts of
15 incompetence and/or gross negligence, as follows:

16 a. Respondent failed to verify the correct placement of the G-tube after
17 insertion.

18 b. Respondent failed to assess the G-tube for correct placement prior to
19 feedings and water administration.

20 c. Respondent failed to inform the physician that there was no residual
21 formula when she aspirated the G-tube.

22 d. Respondent failed to inform the physician that the patient was
23 experiencing severe abdominal pain. Respondent failed to communicate to the physician a sense
24 of urgency about the patient's condition.

25 SECOND CAUSE FOR DISCIPLINE

26 (Unprofessional Conduct)

27 13. Respondent is subject to disciplinary action under sections 2875 and 2878,
28 subdivision (a) of the Code on the grounds of unprofessional conduct. The circumstances are as

1 set forth in paragraph 12 above.

2 PRAYER

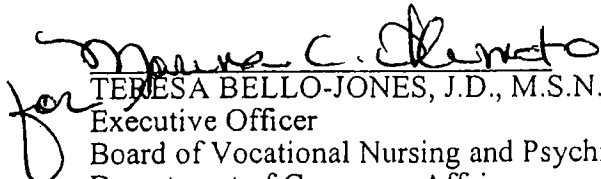
3 WHEREFORE, Complainant requests that a hearing be held on the matters herein
4 alleged, and that following the hearing, the Board of Vocational Nursing and Psychiatric
5 Technicians issue a decision:

6 1. Revoking or suspending Vocational Nurse License Number VN 161594,
7 issued to Lynn Esguerra Teehee a.k.a. Lynn Busante Esguerra a.k.a. Lynn Busante Teehee;

8 2. Ordering Lynn Esguerra Teehee to pay the Board of Vocational Nursing
9 and Psychiatric Technicians the reasonable costs of the investigation and enforcement of this
10 case, pursuant to Business and Professions Code section 125.3;

11 3. Taking such other and further action as deemed necessary and proper.

12 DATED: April 5, 2006

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14
15 
16 TERESA BELLO-JONES, J.D., M.S.N., R.N.
17 Executive Officer
18 Board of Vocational Nursing and Psychiatric Technicians
19 Department of Consumer Affairs
20 State of California
21 Complainant
22
23
24

**DECLARATION OF SERVICE BY CERTIFIED MAIL
AND
DECLARATION OF SERVICE BY FIRST CLASS MAIL**

Case Name: In the Matter of the Accusation Against:
Lynn Teehee

Case No.: 6881

I declare:

I am employed in the County of Sacramento, California, I am 18 years of age or older and not a party to the within entitled cause; my business address is 2535 Capitol Oaks Drive, Suite 205, Sacramento, California 95833-2945.

On June 19, 2006, I served the attached

COVER LETTER, DEFAULT DECISION, ACCUSATION, CALIFORNIA CODE OF
REGULATIONS, TITLE 16, SECTIONS 2522 AND 2522.5, CALIFORNIA
ADMINISTRATIVE PROCEDURES ACT, SECTIONS 11518, 11519, 11521, AND 11522,
STANDARDS FOR REINSTATEMENT OR REDUCTION OF PENALTY, BUSINESS
AND PROFESSIONS CODE, SECTION 2878.7

in said cause, by placing a true copy thereof enclosed in two separate sealed envelopes with postage thereon fully prepaid by Certified Mail and First Class Mail, in the United States mail at Sacramento, California, addressed as follows:

NAME/ADDRESS

Lynn Teehee
702 Tarlow Street
Ventura, CA 93003

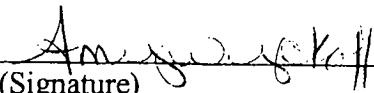
CERTIFIED MAIL NUMBER

7005 1820 0003 8162 8531

I declare under penalty of perjury the foregoing is true and correct, and that this declaration was executed at Sacramento, California on June 19, 2006.

Amy Wyckoff

(Typed Name)


(Signature)

cc: **Linda L. Sun, Deputy Attorney General**